

This sheet contains instructions provided by the Federal Circuit and Family Court of Australia and should not be filed with this form.

## Instructions for completion

### Affidavit of Service (Fair Work – small claims proceedings)

1. This form of affidavit of service may be used as evidence of service for the purpose of rule 6.05 of the *Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021* (the Rules) in any Fair Work proceeding under section 548 of the *Fair Work Act 2009*.
2. This affidavit of service must be sworn or affirmed before a person authorised by law to witness the swearing of affidavits; for example, a lawyer, notary public or Justice of the Peace.
3. Each page must be signed by the deponent (the person making the affidavit).
4. Any alteration in the affidavit of service must be initialled by the deponent and the witness.
5. You must complete address for service details in the footer on page 1.
6. If the facts in the affidavit of service are supported by a document, a copy of the document must be attached to this affidavit of service. This document is then referred to as an 'annexure'. If there is more than one annexure refer to each by a number or letter; for example – 'Annexure 1' or 'Annexure A'. The annexure should also have page numbers. If there is more than one annexure, the page numbers must run consecutively until the last page of the last annexure. If it is impractical to annex a document, it may be separately identified as an exhibit: see rule 15.15.
7. Each annexure must include a statement signed by the witness identifying the annexure as the document referred to in this affidavit. The wording of the statement is as follows:

This is the document referred to as *[insert annexure identification]* in the affidavit of *[insert deponent's name]* sworn/affirmed at *[insert place]* on *[insert date]* before me *[witness to sign and provide name and qualification]*.

The statement must be signed at the same time as the affidavit and by the same witness.

8. Once complete, you need to file the original with the court registry and keep a copy for your records.

**Remove this instruction sheet before filing**



IN THE FEDERAL CIRCUIT AND  
FAMILY COURT OF AUSTRALIA  
REGISTRY: **Write the location of the registry here**

**COURT FILE NO:** **This is the number  
the court put on the application when  
you filed it.**

**Write your name here**  
**Applicant**

**Write your employer's name here**  
**Respondent**

**Leave blank**  
**Second Respondent (if applicable)**

*\* Repeat as necessary for additional parties*

## Affidavit of Service (Fair Work – small claims proceedings)

### 1. Person serving documents

Full name **Write the name of the person who served the application here**

Occupation **Write the occupation of the person who served the application here**

Address (incl postcode) **Write the address of the person who served the application here**

### 2. Person served

Full name **Write the name of the person who was given the application here. If your employer is a company, you still need to name the actual person. However, if your employer is a company and you served the application by post, write "application served by post on the Proper Officer of" and then write the company's name.**

### 3. Date documents served ...../...../..... **If the application was served by hand, put the date it was handed to the person. If it was served by post, put the date four working days after you posted it. If it was served by fax or email, put the date it was faxed or emailed.**

### 4. What documents were served? (cross box if applicable)

(a) APPLICATION—FAIR WORK DIVISION **Check this box and the one below**

(b) FORM 5 Small claim under the Fair Work Act 2009—paragraph 30.11(b)  
dated ...../...../..... **Write the date form was filed here**

(c) FORM 5A Small claim (casual conversion dispute) under the Fair Work Act 2009—  
paragraph 30.11(b)  
dated ...../...../.....

(d) Affidavit of .....  
sworn/affirmed on ...../...../.....

(e) Other .....

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Filed on behalf of **Write your name here**  
Prepared by **Write your name here**  
Name of law firm **Leave blank**  
Address for service in **Write your address here**  
Australia

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State **Write your state** Postcode **Write your  
postcode**  
Email **Write your email address here** DX  
Tel **Write your telephone  
number here** Fax Attention

5. **How were they served on the person?** (cross box if applicable) **Check the box to show how you served the documents. You should only check one box.**

I handed them to the RESPONDENT at (address)

**Write the address where you served the documents here**

I attempted to hand them to the RESPONDENT at (address)

**Write the address where you attempted to serve the documents here**

The RESPONDENT refused to accept them. I put them down and left them in the presence of the person and said to the person

**Write the address where you left the documents in the presence of the respondent here. Write the date conversation you had with the respondent to identify them here. Use the words spoken.**

6. **(FOR A RESPONDENT CORPORATION)** (cross box if applicable) **Check the box to show how you served the documents. You should only check one box.**

I posted them by pre-paid post in an envelope addressed to the RESPONDENT, to the registered office of the RESPONDENT: or

I delivered them to the registered office of the RESPONDENT:

(Address of registered office)

**Write the address you delivered the documents to here**

7. **How was the person served identified?** (Note - do not complete if service was by post to a corporation) **Check the box to show how you identified the person you served**

I know the person served

The person is shown in the attached photograph **Check this box if a photo is attached**

I had the following conversation with the person on (date) **Write the date you served the documents here**

(set out conversation relating to person's identity)

**Write the date conversation you had with the respondent to identify them here. Use the words spoken.**

**You must swear (a religious oath) or affirm (non-religious promise) your affidavit. Cross out the wrong word.**

I swear/ affirm that the facts set out above are true.

**Cross out the wrong word**

Sworn / Affirmed by the deponent  
at **Write the suburb**

on **Write the date**

Before me:

**The person witnessing the affidavit signs here**

Signature of witness

Full name of witness: **Write the full name of the person who witnessed the affidavit here**

Qualification of witness: **Write the qualification of the person who witnessed the affidavit here**

eg Lawyer or JP

**Sign here**

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Signature of deponent